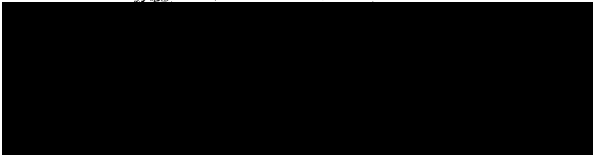




U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: AUG 25 2004

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

Cc: [REDACTED]

Identifying data deleted to
prevent disclosure of unwarranted
invasion of personal privacy

PUBLIC COPY

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The petitioner seeks to classify the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(4). The petition was originally approved on December 5, 2000. The approval was subsequently revoked on September 16, 2003. The instant appeal was filed on October 1, 2003.

The regulation at 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and sections 103.4 and 103.5 of this part, *affected party* (in addition to Citizenship and Immigration Services [CIS]) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition.

The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

Improperly filed appeal -- (A) Appeal filed by person or entity not entitled to file it -- (1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee CIS has accepted will not be refunded.

The appeal has not been filed by the petitioner, nor by any entity with legal standing in the proceeding, but rather by the beneficiary, who personally signed the I-290B Notice of Appeal, and identified herself, rather than the petitioner, as the "Person Filing Appeal" on that form. We note that while the beneficiary is represented by [REDACTED] the record does not contain a Form G-28 from counsel indicating his representation of the petitioner.¹ While the Texas Service Center may have acknowledged counsel in the notice of denial, we cannot perpetuate this error on appeal.

The appeal was filed by the beneficiary and the record contains no evidence that the beneficiary's counsel also represents the petitioner. Therefore, the appeal has not been properly filed, and must be rejected, pursuant to the above regulations.

ORDER: The appeal is rejected.

¹ The record contains a Form G-28 submitted by [REDACTED] signed by Father [REDACTED] (on behalf of the petitioning church) on July 18, 2000. The record also contains two Forms G-28 from Mr. [REDACTED] signed by the beneficiary on March 26, 2002 and April 27, 2002, respectively. There is no Form G-28 from Mr. [REDACTED] signed by any person on behalf of the petitioner.